

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 19-CR-20697

vs.

HON. BERNARD A. FRIEDMAN

GROVER SCOTT,

Defendant.

**ORDER DENYING DEFENDANT’S MOTION FOR COMPASSIONATE RELEASE**

Defendant has filed a motion in this matter for compassionate release pursuant to 18 U.S.C. § 3582 [docket entry 29]. Defendant fears he is at risk of being infected by the coronavirus.

The Court must deny this motion because defendant has not shown that he has complied with the statute’s exhaustion requirement. Section 3582(c)(1)(A) states that

the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that— (i) extraordinary and compelling reasons warrant such a reduction . . .

The Sixth Circuit has held that this exhaustion requirement is mandatory, and that if a defendant files a motion seeking relief under this section without first complying with § 3582(c)(1)(A), the district court must deny the motion without prejudice. *See United States v. Alam*, No. 20-1298, 2020 WL 2845694, \*2-5 (6th Cir. June 2, 2020). Defendant impliedly concedes that he has not complied with this requirement by asserting that it “is a non-jurisdictional claims-

processing rule, and ask[ing] this court to forego this requirement.” Def.’s Mot. at 1.  
Accordingly,

IT IS ORDERED that defendant’s motion for compassionate release is denied  
without prejudice.

Dated: June 18, 2020  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 18, 2020.

Grover Scott, #57857-039  
Milan Federal Correctional Institution  
Inmate Mail/Parcels  
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Milan, MI 48160

s/Johnetta M. Curry-Williams  
Case Manager